

Applicant: Wilkinson, A. G. Jr.
Serial No.: 10/734,347
December 15, 2004

REMARKS

Applicant appreciates Examiner's indication of allowable subject matter. Reconsideration of this application is requested. Claims 1 and 10 have been amended without prejudice, Claims 2-4 have been cancelled without prejudice and Claims 1 and 5-17 remain pending. No new matter has been added.

Applicant respectfully traverses the Examiner's rejection of claims 1-2, 5-6, 10-11 and 13-14 under 35 USC Section 102, as being anticipated by Williams. Notwithstanding the amendments to the claims, Applicant submits that the original claims do not read on Williams and that Applicant's invention as claimed is structurally and fundamentally distinct therefrom. It is axiomatic in any proper Section 102 rejection that every element of the invention as claimed be contained in the cited reference. Applicant submits that Williams fails to disclose every element of claims 1-2, 5-6, 10-11 and 13-14 and is structurally distinct from Applicant's claimed invention. Williams discloses a fork having a spring-loaded rod and a plate having apertures for receiving and passing the prongs. Applicant's invention comprises a cross-brace that slides over the tines along an independent plane without intersecting the tines. Notwithstanding, Claims 1 and 10 has been amended to place it in condition for allowance.

Applicant respectfully traverses the Examiner's rejection under 35 USC §103 of claims 7-9 and 15-17 as being unpatentable over Williams. Applicant incorporates by reference the above arguments

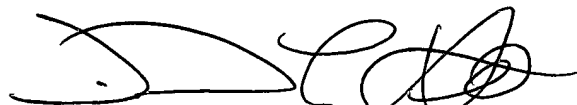
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with respect to claims 1-2, 5-6, 10-11 and 13-14 and further states that Williams fails to disclose or even suggest the subject matter of the claims at issue. There is nothing to suggest Applicant's claimed invention. Williams nor none of the references cited disclose or suggest a thermometer or rubber-based grip in combination with the other claimed elements. Notwithstanding, Claims 1 and 10 have been amended to place the claims in condition for allowance.

For the reasons indicated above, Applicant asserts that claims 1 and 5-17 patentably distinguish Applicant's invention over the prior art of record, and are in condition for allowance. Applicant respectfully requests that the above rejections be reconsidered and withdrawn since the overall invention, as recited in Applicant's claims is neither taught nor suggested by the prior art.

Should the Examiner have any concerns or comments, the undersigned would appreciate a telephone conference in order to expedite this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Lhota', written over a horizontal line.

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